

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
601 New Jersey Avenue, N.W., Suite 9500
Washington, D.C. 20001

January 22, 2007

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEVA 2006-934
Petitioner	:	A.C. No. 46-09048-94552
	:	
v.	:	
	:	
MARFORK COAL COMPANY, INC.,	:	
Respondent	:	Slip Ridge Cedar Grove Mine

STAY ORDER

Citation No. 7257568 is a subject of the captioned civil penalty contest filed by Marfork Coal Company, Inc. (Marfork) pursuant to section 105(a) of the Federal Mine Safety and Health Act of 1977, as amended, (the Act), 30 C.F.R. § 815(a). Marfork's appeal of the dismissal of its contest of Citation No. 7257568 in Docket No. WEVA 2006-790-R filed under section 105(d) of the Act, 30 C.F.R. § 815(d), because it was defective and an abuse of process, is before the Commission. 28 FMSHRC 842 (Sept. 2006) (ALJ), *appeal docketed* (Nov. 3, 2006); *see also* 28 FMSHRC 1066 (Dec. 2006) (ALJ). Consequently, this civil penalty proceeding **IS STAYED** pending the Commission's disposition in WEVA 2006-790-R and its companion cases.

Jerold Feldman
Administrative Law Judge

Distribution: (Certified Mail)

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